

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AXIS INSURANCE COMPANY a/a/o
ZOLL MEDICAL CORPORATION and
ZOLL SERVICES LLC,

Plaintiffs,

v.

BARRACUDA NETWORKS, INC. and
SONIAN INC.,

Defendants,

v.

AXIS INSURANCE COMPANY a/s/o
FUSION LLC,

Rule 20 Parties.

Civil Action No. 1:20-cv-11997-NMG

AFFIDAVIT OF KATHLEEN A. FITZGERALD

I, Kathleen A. Fitzgerald, hereby depose and state as follows:

1. I am a Managing Director with FTI Consulting, Inc. and am based in Glen Allen, Virginia. I am licensed to practice law in the State of Maryland and in the Commonwealth of Virginia.

2. I have been designated as the affirmative expert for the Defendants Barracuda Networks Inc. and Sonian Inc. My expert report was timely disclosed to Plaintiff on February 15, 2024.

3. However, two days before my scheduled deposition, I was informed by my doctor that I would require a significant surgery to remove cancer from my breast. As a result, my deposition was postponed. I underwent that surgery on April 5, 2024.

4. On April 18, 2024, I received the surgical pathology report from my doctors and we developed a treatment plan. Under the current treatment plan, which will be confirmed on May 20, 2024, I will likely undergo hormone therapy. This will allow me to be deposed at the end of May or the beginning of June. In addition, my treatment plan calls for reconstructive surgery on July 15, 2024. This surgery has an 8-week recovery period, barring complications, meaning I will not be available for trial. Additionally, I am scheduled to undergo a second reconstruction surgery in late November or December 2024 with a similar recovery time. *Id.*

5. Given this timeline, I am available to testify at trial in October or early November 2024.

Signed under the penalties of perjury this 29th day of April 2024.

/s/ Kathleen A Fitzgerald
Kathleen A. Fitzgerald